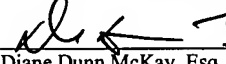




Docket No. 4686-121.2 US

The undersigned certifies that this communication is being deposited with the United States Postal Service as prepaid first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 22, 2007.

  
Diane Dunn McKay, Esq.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer No.
SHEFER et al.	:	26817
	:	
Serial No. 10/791,989	:	Group Art Unit: 1633
	:	
Filed: March 3, 2004	:	Examiner: Janet L. EPPS FORD
	:	
Title: ORAL CONTROLLED RELEASE	:	Confirmation No. 4876
SYSTEM FOR TARGETED DRUG DELIVERY	:	
INTO THE CELL AND ITS NUCLEUS FOR	:	
GENE THERAPY, DNA VACCINATION, AND	:	
ADMINISTRATION OF GENE BASED DRUGS	:	
	:	
	:	X

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In an October 1, 2007 Office Action, the Examiner required restriction to one of the following groups:

- I. Claims 1-44, drawn to a controlled release composition, classified in class 424 where the subclass depends on the form of the composition.
- II. Claims 45-58, drawn to a method of administering a composition, classified in class 514/44.

III. Claim 59, drawn to a method of making a controlled release system, classified in class 424 where the subclass depends on the form of the system.

Applicants hereby elect Group I, claims 1-44, drawn to a controlled release composition, classified in class 424 where the subclass depends on the form of the composition for prosecution in this application. Applicants respectfully request the right to file a divisional application directed to the unelected claims.


The Examiner also indicated that the application contains claims directed to the following patentably distinct species of the claimed invention: different pH sensitive materials, different components of the nano-spheres and Applicants must elect one pH sensitive material and at least one moisture sensitive material of those mentioned in the claims.

Applicants hereby elect the pH sensitive material of acrylic acid and acrylic ester copolymers from claim 7. Applicants hereby elect the water soluble material of polysaccharide from claim 1. The Examiner further indicated that applicants must also elect one component of the nano-sphere which may be either a wax material or one fat material. Applicants hereby elect candelilla wax.

A prompt action on the merits is earnestly solicited. The Examiner is invited to telephone the undersigned should he believe this would expedite prosecution of this application. It is believed no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: October 22, 2007



Diane Dunn McKay, Esq.

Reg. No. 34,586

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